

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Region 4 Headquarters - 4600 Giant Springs Road**  
**Great Falls, MT 59405**

**JULY 7, 2005**

**Commission Members Present:** Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; Shane Colton; Victor Workman.

**Fish, Wildlife & Parks Staff Present:** Jeff Hagener, Director; FWP personnel.

**Guests:** See July, 2005 Commission file folder.

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of June 9, 2005 Commission Minutes**
- 3. Approval of Commission Expenses through June 30, 2005**
- 4. Don Mawyer Outfitting – Beaverhead and Big Hole Authorization Appeal**
- 5. Little Blackfoot Acquisition – Final**
- 6. Pablo Reservoir and Feeder Canal Emergency Fishing Closure – Final**
- 7. Grizzly Bear Delisting Briefing (Yellowstone Ecosystem) – Informational**
- 8. 2005 Deer and Elk Quotas – Final**
- 9. 2005 Upland Game Bird Seasons – Final**
- 10. 2005 Early Season Migratory Bird Regulations – Tentative**
- 11. Bison Hunting Quota – Tentative**
- 12. Garrity Mountain WMA Acquisition – Jamison Land - Final**
- 13. Bird Creek Ranch Conservation Easement - Endorsement**
- 14. Public Opportunity to Address Issues Not Discussed at this Meeting**

**1. Opening - Pledge of Allegiance.** Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

**2. Approval of June 9, 2005 Commission Minutes.**

*Action: Workman moved and Mulligan seconded the motion to approve the minutes of the June 9, 2005 meeting and the Commission Expenses through June 30, 2005. Motion carried.*

**3. Approval of Commission Expenses through June 30, 2005.**

*Action: See above motion.*

**4. Don Mawyer Outfitting – Beaverhead and Big Hole Authorization Appeal.** Jeff Hagener, **FWP Director**, explained that Mr. Mawyer is appealing the Department's determination that he is no longer authorized to outfit on the Beaverhead and Big Hole Rivers due to no reported use of the rivers for five years prior to December, 2004, and the lapse of his outfitting license in 2000. **Martha Williams, FWP Legal Counsel**, added that Mawyer sent a letter to FWP contesting the Legal Unit's interpretation of the rules that were in place prior to June 17, 2005. Mr. Mawyer did not report any use for the five years prior to December 31, 2004, and his outfitting license lapsed in 2000. He applied for and obtained a license again in 2005.

ARM 12.11.215 and 12.11.220 says that an outfitter authorized to outfit on the Beaverhead (or Big Hole) River forfeits all of his or her client days and is no longer authorized to outfit on the Beaverhead (or Big Hole) River if one or more of the following occurs:

- (a) An outfitter does not report any use for any two consecutive years, effective June 17, 2005;
- (b) An outfitter did not report any use for the five years prior to December 31, 2004; or
- (c) The license of an outfitter has lapsed.

Don Mawyer, Ashmont Outfitters, said he let his outfitting license lapse in 1999, and then reapplied for it in December of 2004. He said at that time ARM 12.11.215 and 12.11.220 did not state that if an outfitting license lapsed, that outfitter is no longer authorized to use the river, and if "you don't use the days, you lose them". He feels he has now been put in the situation of having to move, and said he has the right to make a living as an outfitter. His license lapsed because he moved to Virginia to be near a daughter who was suffering from ill health. He asked that the Commission rule in his favor.

Williams said there are essentially two issues to consider. The first issue is the Department's interpretation of the rule relative to continuous use that was in effect when Mawyer allowed his license to lapse and then reapplied for it, and the second issue is relative to the new rules that say an outfitter is no longer authorized to conduct use on the two rivers if they did not report any use for five years prior to December 31, 2004. Both situations apply to Mr. Mawyer.

Subsection 1 of ARM 12.11.220 was in place in 2004, and has not changed, however Subsection 2 of ARM 12.11.220 is new as of this spring. Mawyer did not report use on the Beaverhead and Big Hole Rivers in 2000, and he also let his license lapse in 2000, so he was not licensed to use the rivers from 2001 to 2004. In December of 2004, he applied with the Board of Outfitters, and their lawyer made the determination that he could not outfit because his license had lapsed. The Board of Outfitters then deferred to the FWP legal staff to make a determination as well. The FWP Legal Unit determined that ARM 12.11.215 Subsection 1, and ARM 12.11.220 stipulated continuous use, therefore a lapsed license would not qualify for use. That determination was made on rules in place in 2004. In 2005, the new rules further addressed the lapsed license issue, and addressed zero reported use days as well. The FWP Legal Unit determined that Mawyer applied in 2004, and regardless of whether he had continuous use, he was not licensed because outfitter exams were held in January and he could not have documented any use.

Mulligan said there are a number of outfitters who have not let their licenses lapse but have not reported use. Williams agreed, but added that Mawyer is the only person who has a lapsed license who came to the Commission before the new rules were adopted. The new rules clarify both issues of lapsed licenses and of non-reporting, while the old rules did not. Colton said under this ARM Mawyer would have been disqualified.

Wayne Johnston, Executive Director, Board of Outfitters, said this took place in December of 1999. He said renewal notices were sent out, and added that there is also a 90-day grace period. Doherty asked what is required to renew a license. Johnston said the annual fee is \$300 if done by December 31<sup>st</sup>, \$400 if done after February 1, and \$600 if after April 1<sup>st</sup>. The applicant must complete a renewal form, provide proof of first aid, and attach client logs and statistical sheets. The Board of Outfitters sends a letter to outfitters informing them that if they don't renew in 90 days, they are no longer a licensed outfitter. Johnston said the lapsed license applicant is treated as a new outfitter in that he must go through the full application process, provide an operation plan that must be approved by the Board of Outfitters, take the written exam, and pay the application fee of \$1,425.

Colton asked **Charlie Sperry, FWP River Management Specialist**, how many letters were sent to outfitters who did not report use. Sperry said 20 letters were sent to outfitters on the Beaverhead River, and 36 letters were sent to outfitters on the Big Hole River. Letters were not sent to outfitters whose licenses had lapsed or to outfitters whose licenses had lapsed and they reported zero use. The conclusion was that the outfitters whose license had lapsed are no longer outfitters.

Workman asked if ruling on a hardship basis would set precedents? Martha said it may, but the Commission has authority to do that.

Colton asked Williams if Mawyer is the only one in 2004 who requested reinstatement for the Beaverhead and Big Hole Rivers. Williams replied yes, that she knew of nobody else in this same situation. Any outfitter applying now would be under the 2005 rule that says once a license is lapsed, they are no longer authorized to use the river, therefore there would be no need for discussion.

Workman asked how many outfitters were licensed on the two rivers. Sperry said there are 70 licensed outfitters on the Beaverhead River, and 97 on the Big Hole River, but there is a lot of overlap on the two rivers.

Mulligan asked what it would have taken for Mawyer to renew his license? Johnston said he would have had to pay the annual fee to renew an active license. He added that there is also the option to renew under an inactive status at a lesser fee. That option keeps their license active, but means they cannot actively outfit. They use this option when they don't plan to use the rivers for a time period. The benefit of inactive status is that they don't have to maintain insurance etc. Once they want to resume use, they pay only the difference between the active license and the inactive license. Mulligan asked if there were other outfitters who have let their license lapse and then reapplied. Johnston said there were not, but there have been inactive outfitters who have become active.

Mulligan expressed concern about granting exceptions. He wants to assure the rules are adhered to and that everything is legal. Mulligan said that although he sympathizes with Mawyer, he feels that since this is his livelihood in jeopardy, Mawyer might have found the opportunity to send payment to renew his license. The authorizations and use-days are valuable, and there is a lot of incentive to acquire and retain them.

Hagener inquired what the impact would be on the pool of temporary client days that other outfitters could apply for if Mawyer was awarded back his days. Sperry said Mawyer had 24 days on the Beaverhead, and 26 days on the Big Hole, so if he were allowed to operate, those numbers would be subtracted from the temporary client day pool. Based on the numbers provided by the Board of Outfitters, the impact would be 117 client days minus 24, which leaves 93 on the Beaverhead, and 358 client days minus 26, which leaves 332 days on the Big Hole.

Pat Flowers recommended adhering to existing rules as closely as possible. Granting an exception leads to more requests for exceptions, and that creates potential problems and challenges to the rules. Sperry said since the new rules were adopted, three individuals have contacted him who are licensed but did not report any use, rendering them unauthorized to conduct use on those rivers. They intend to apply for temporary client days.

Workman said rules are made to be broken, especially when dealing with someone's livelihood that has the potential for a hardship situation. He stated that ruling in Mawyer's favor is not hurting or affecting anyone else.

*Action: Workman moved to overrule the Department's decision to deny Mr. Mawyer's authorization to outfit on the Beaverhead and BigHole Rivers. Colton seconded the motion to stimulate discussion.*

Colton stated that he is sympathetic to Mawyer's situation, however new folks trying to get into the outfitting business will suffer the consequences of a reduction in temporary client days if Mawyer is awarded his days back.

Mulligan said he, too, sympathizes with Mawyer, however, he does not share the opinion that others will not be hurt. Four years ago, another individual appeared before the Commission with a hardship case under the previous rule, and the Commission denied him. He said that individual would clearly be hurt by overruling the Department's decision. He feels if the Commission rules in favor of Mawyer, it should not be done on the basis of hardship. Hagener said if this is considered strictly as a hardship case, the Department will receive more and more requests for hardship cases. Williams said the 2004 rule does not set a precedent as it is no longer in effect, and that is different than saying that this is a hardship case.

Doherty asked if the Commission has authority to set the number of days an outfitter can have, or is it "all or nothing". "Nothing" would still allow an outfitter to compete for client days. Williams said it is more difficult to arbitrarily pick a number of days – her legal advice is to either agree or disagree with the Department's interpretation. Doherty said "may continue to operate" means continue to operate. He said this is not a property right, but is a "place in line". Mawyer lost his place in line, but he can still apply for temporary client days.

*Action on Motion: Motion failed. One in favor (Workman) – three opposed (Mulligan, Doherty, Colton).*

*Action: Mulligan moved and Colton seconded the motion to approve the Department's decision that Mr. Mawyer is no longer authorized to outfit on the Beaverhead and Big Hole Rivers (denial of appeal). Motion carried. Three in favor (Mulligan, Doherty, Colton) – one opposed (Workman).*

**5. Little Blackfoot Acquisition – Final.** Chris Hunter, FWP Fisheries Division Administrator, explained this 2-acre parcel near Avon, owned by Montana Department of Transportation (MDOT), was used as a rest area until its closure in 1997. It was closed primarily because the entrance / exit road was dangerously located near a curve. Prior to its closure, anglers accessed the Little Blackfoot River at this site. Since then, access to the river is limited to railroad pullouts and bridges, as there virtually are no access sites. A second part of this proposal is to purchase 2 acres from the adjacent landowners, the Rocking W Cattle Ranch, to allow construction of a safe entrance to the FAS.

The price of the parcel from MDOT is \$22,000, and the price of the Rocking W parcel is \$25,000. Those monies would come from the fishing access acquisition monies. MDOT will hold the money in escrow to use when they purchase land from FWP in the future. The EA was published in May, and the Decision Notice was completed in June. Thirty-nine notices were sent to local landowners, conservation groups, government agencies and other interested parties. Four comments of support were received.

Doherty questioned the wisdom of FWP purchasing the land, letting MDOT hold the money in escrow, then paying more money to MDOT to purchase any additional pieces of land. Hunter said that in the negotiation process, the two agencies discussed the option of MDOT gifting the land to FWP, but it was discovered that that could not legally be done, so this was the next best alternative. Doherty suggested addressing the legislature to recommend that changes be made to allow the transfer of land from MDOT. Hagener said there are times when property acquisitions can be handled in that manner, however various factors influence that option. He added that in reality, this method is merely an exchange of properties. FWP is presently working with MDOT on various other land acquisitions that would work well for fishing access sites.

*Action: Workman moved and Mulligan seconded the motion to approve the acquisition of land interests from the Montana Department of Transportation and the Rocking W Cattle Ranch to establish the Little Blackfoot River Fishing Access Site using funds provided through the Fishing Access Site account. Motion carried.*

**6. Pablo Reservoir and Feeder Canal Emergency Fishing Closure – Final. Chris Hunter, FWP Fisheries Division Administrator,** explained that the Pablo Reservoir is located on the Confederated Salish & Kootenai Reservation. The dam was drained last fall (2004) for a safety inspection, and the fish were removed and placed in ponds in the feeder canal until they could be returned when the reservoir refilled. The pond gate is jammed and the reservoir is low so the fish have not yet been returned to the reservoir. Tribal fish managers have closed fishing on both the canal and the reservoir until August 1, 2005 to prevent over-fishing, and to allow time for the reservoir level to rise. The gate will also be repaired during this time period. The tribes have asked that FWP agree to close this water to fishing as well. The state and tribes share fisheries responsibilities under the Joint State/Tribal Agreement.

*Action: Colton moved and Workman seconded the motion to close to fishing the Pablo Reservoir and its feeder canal up to the first county road, effective immediately until August 1, 2005. Motion carried.*

**7. Grizzly Bear Delisting Briefing (Yellowstone Ecosystem) – Informational. Chris Smith, FWP Chief of Staff,** explained that the USFWS is in the process of delisting Grizzly Bears in the Greater Yellowstone Ecosystem. Grizzly bears were listed as a threatened species in 1973 under the federal Endangered Species Act. In the 30 years since that listing, the Yellowstone population has grown from 250 bears to an estimated 588 bears, possibly up to 600-650, and they have expanded outside of the recovery zone from Yellowstone Park into Idaho, Wyoming, and Montana.

The Interagency Grizzly Bear Committee (IGBC), established in the 1970s, is a consortium of state and federal agencies involved in the recovery of grizzly bears in the northwestern states. There are five recovery zones involved: the Greater Yellowstone Ecosystem (GYE), the North Continental Divide Ecosystem, the Cabinet/Yaak & Selkirk Ecosystems, the North Cascade Ecosystem, and the Bitterroot Ecosystem. The Yellowstone Ecosystem is the most heavily studied as it overlaps three states and a National Park.

The recovery plan, developed by the USFWS, specifies criteria that bear populations within each specific ecosystem must meet to become eligible for delisting. The plan also addresses habitat concerns such as road use, livestock use, logging use, etc. with the intent of minimizing bear mortality. The Yellowstone population has met the established criteria.

Idaho, Montana, Wyoming, and the federal management agencies in the GYE adopted a Conservation Strategy that defines how bears will be managed once they are delisted. The initial plan was developed by the USFWS, but the states felt it was not adequate, so they developed a conservation strategy that applies to more than just the recovery zone. Montana has agreed to expand the bear population outside of the recovery zone to include seven counties, the approach being to allow the population to continue to expand where bears are biologically suitable and socially acceptable. FWP will assume full management responsibility for bears in the Montana portion of the GYE outside of the Park, guided by the Conservation Strategy. The Conservation Strategy was approved by the management agencies, but the USFWS has not yet approved it. The five national forests involved are amending their management plans to come into compliance with the Strategy Plan.

The USFWS is planning to publish a draft rule to delist grizzly bears in the GYE some time during the summer of 2005. The proposed rule will be open for public comment for 60 to 90 days; it is anticipated that many comments will be submitted by persons and groups opposed to delisting. The USFWS will evaluate the comments and reach a final decision on delisting in early 2006. If the USFWS does decide to delist this population, litigation to reverse the decision is expected. The National Wildlife Federation and Defenders of Wildlife are supportive of delisting.

Doherty asked who pays for management costs once the bears are delisted. Smith said it will take about \$4 million, and added that the Department is already spending \$1,000,000 on grizzly bear recovery. FWP has requested federal funding, and state wildlife grants for species of greatest conservation need are also available to FWP. Doherty expressed concern that the federal government might withdraw funding after delisting. Smith said costs should not increase a great deal from what is currently being expended. A bear management specialist may need to be hired, but the overall impact should not be great.

The three states and the federal government are concerned with mortality issues, and all have different views on those issues. The Strategy calls for continued monitoring and maintenance of at least 500 bears, a safe genetic number relative to inbreeding. Over the next several years, if genetic effects are noticed, new bears will be introduced into the Yellowstone ecosystem to establish new genes.

Smith said one concern is that Wyoming may withdraw from the agreement if the USFWS delays delisting, so FWP is hopeful the draft rule will be published soon.

**8. 2005 Deer and Elk Quotas – Final.** Jeff Herbert, FWP Wildlife Division Assistant Administrator, and Gary Hammond, FWP Wildlife Division Management Bureau Chief, presented the Wildlife proposals.

**DEER**

**Region 1 – Deer**

Six proposed changes to the tentatives – HDs101-00, 102-00, 109-00, 120-00, 121-00, and 130-00

*Action: Workman moved and Colton seconded the motion to approve the Region 1 Deer quotas as recommended by the Department. Motion carried.*

**Regions 2, 3, 4 and 7 – Deer**

No proposed changes to the tentatives.

*Action: Mulligan moved and Workman seconded the motion to approve the Regions 2, 3, 4, and 7 Deer quotas as recommended by the Department. Motion carried*

**Region 5 – Deer**

One proposed change to the tentatives – HD570-00.

*Action: Colton moved and Mulligan seconded the motion to approve the Region 5 Deer quotas as recommended by the Department. Motion carried.*

**Region 6 - Deer**

One proposed change to the tentatives – HD600-00.

*Action: Colton moved and Workman seconded the motion to approve the Region 6 Deer quotas as recommended by the Department. Motion carried.*

**ELK**

**Region 1 – Elk**

Three proposed changes to the tentatives – HDs 120-00, 121-00, and 123-00.

*Action: Workman moved and Mulligan seconded the motion to approve the Region 1 elk quotas as recommended by the Department. Motion carried.*

**Region 2 – Elk**

Six proposed changes to the tentatives – HDs203-00, 211-00, 212-00, 212-01, 280-00, and 281-00.

*Action: Workman moved and Colton seconded the motion to approve the Region 2 Elk quotas as recommended by the Department.*

Mulligan asked John Firebaugh, FWP Region 2 Wildlife Manager, about the HD211 reduction to 200 as it has been below objective for 5 years. Firebaugh said HD211-00 should be reduced to 150 instead of 200 as that is what had been decided upon, that it was a typographical error in the handout.

*Action on Motion: Mulligan amended the motion to approve the Region 2 Elk quotas as recommended by the Department with the modification to reduce the quota from 300 to 150 in HD211-00. Workman seconded the amendment to the motion. Motion carried.*

**Region 3, 4, 5, 6, and 7 – Elk**

No proposed changes to the tentatives.

*Action: Mulligan moved and Colton seconded the motion to approve the Regions 3, 4, 5, 6, and 7 Elk quotas as recommended by the Department. Motion carried.*

**9. 2005 Upland Game Bird Seasons – Final.**

**FALL TURKEY**

**Regions 1, 3, 4, 5, 6 and 7 – Upland Game Birds – Fall Turkey**

No proposed changes to the tentatives.

*Action: Colton moved and Workman seconded the motion to approve the Regions 1, 3, 4, 5, 6, and 7 Fall Turkey season/quotas as recommended by the Department. Motion carried.*

**Region 2 – Upland Game Birds – Fall Turkey**

One proposed change to the tentatives – HD285-50.

*Action: Workman moved and Mulligan seconded the motion to approve the Region 2 Fall Turkey seasons/quotas as recommended by the Department. Motion carried.*

**SAGE GROUSE**

No proposed changes to the tentatives

*Action: Colton moved and Workman seconded the motion to approve the Sage Grouse seasons/quotas as recommended by the Department. Motion carried.*

**RING NECK PHEASANT, MOUNTAIN GROUSE, SHARP-TAILED GROUSE, PARTRIDGE**

No proposed changes to the tentatives

*Action: Mulligan moved and Workman seconded the motion to approve the Ring Neck Pheasant, Mountain Grouse, Sharp-tailed Grouse, and Partridge seasons/quotas as recommended by the Department. Motion carried.*

**FALCONY**

No proposed changes to the tentatives

*Action: Colton moved and Workman seconded the motion to approve the Falconry seasons/quotas as recommended by the Department. Motion carried.*

**10. 2005 Early Season Migratory Bird Regulations – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator,** explained that regulations for these species are established by the US Fish and Wildlife Service in conjunction with the Central and Pacific Flyway Councils. Montana is represented on both the Central and Pacific Flyway Councils. Regulations are approved as federal migratory bird hunting frameworks from which states select their seasons. FWP cannot adopt seasons that fall outside of those frameworks.

**MOURNING DOVE, WILSON'S SNIPE, and SANDHILL CRANE**

*Action: Workman moved and Colton seconded the motion to approve the tentative Early Season Migratory Bird Regulations as recommended by the Department. Motion carried.*

**11. Bison Hunting Quota – Tentative. Pat Flowers, FWP Region 3 Supervisor,** explained that the 2003 legislature passed SB395, which provided Montana residents the opportunity to hunt bison who stray out of Yellowstone Park. The Department of Livestock (DOL), Fish, Wildlife & Parks (FWP), and APHIS were directed to manage the plan. The bison hunt must not interfere with management efforts by Yellowstone National Park, Montana Department of Livestock, or FWP, and must be compatible with accepted land uses on public and private lands, and must be conducted under

ethical hunting conditions (i.e. fair chase). MCA 81-2-120 requires DOL and MFWP to cooperate in developing rules for a hunt. DOL is responsible for disease control. The hunt is not to be used to control the number of bison in the Park.

There has been a great deal of public involvement in the process. The tentative regulations were signed at the October Commission meeting, after which public comments were solicited through mid-December. Many comments were received. In January of 2005, the Commission voted to delay the hunt that was scheduled to begin that month.

The Department is now proposing to issue 50 permits in two time periods (November 15 – January 15 and January 16 - February 15). This proposal is for twenty-five permits each time period. Two time periods were arrived at after review of the four alternatives listed in the EA, of which one was for 25 permits during one time period. Hunttable ground has also been expanded. These changes will require an amended ROD that DOL and FWP must agree to and sign off on. APHIS has granted tentative approval, and DOL has agreed to a proposal to revise hazing practices.

SB 91, passed by the 2005 Legislature, authorizes the allocation of two bison licenses to each of the 8 Montana Tribes. The tribes will designate individuals from their tribal diabetic programs to receive the special licenses. The ten permits that were drawn in January of 2005 will be given the choice of which time period they prefer, and the balance will be drawn from the applicant pool. Flowers said public comment on these quotas will be accepted until August 15, 2005 with final decisions to be made in September.

Mulligan expressed concern that circumstances may cause the bison to congregate in one area. Flowers stated that this will be a learning situation. Flowers suggested changing the bison quota-setting schedule to a different time period than the other big game schedule.

*Action: Workman moved and Colton seconded the motion to adopt the agency recommendation of 25 either-sex Bison licenses for each of the two time periods, to be issued through a special drawing and by tribal designation for the November 15, 2005 – January 15, 2006 time period and the January 16, 2006 – February 15, 2006 time period. Motion carried. Three in favor – one opposed (Mulligan).*

**12. Garrity Mountain WMA Acquisition – Jamison Land – Final. Glenn Erickson, FWP Field Services Division Administrator,** explained that this proposal is to purchase 25 acres of private land from Sherri Jamison which is located within the Garrity Mountain WMA. The purchase price is \$50,000 and the funding would come from Habitat Montana funds. Two adjacent patented mining claims, Soledad and Iron Clad Lode, would be included in the acquisition, and FWP would obtain mineral rights. Ms. Jamison has been selling all of her Montana holdings, and will offer this parcel for public sale if FWP doesn't purchase it. This acquisition would be a valuable addition to the WMA.

FWP completed the MEPA public review process, and conducted a public hearing in Anaconda on May 18. Seventeen people attended the hearing. The proposal has generated a great deal of support.

Colton asked if Jamison got similar prices for her other land sales. Erickson replied that she received an average of \$3,500 an acre for her other parcels, and this purchase would be \$2,000 per acre.

Doherty asked if the Department is acquiring liability with the mining claims, to which Erickson replied no.

*Action: Colton moved and Mulligan seconded the motion to approve the acquisition of the Soledad and Iron Clad Lode patented mining claims, located in the Garrity Mountain WMA, from Sherri Jamison, using \$50,000 of Habitat Montana funds. Motion carried.*

**13. Bird Creek Ranch Conservation Easement – Endorsement.** Glenn Erickson, FWP Field Services Division Administrator, said the 2,280-acre Bird Creek Ranch is located along the Missouri River approximately 4 miles north of Cascade. The land consists of 1,971 acres of uplands and 309 acres of wetlands. The ranch has been in family for a long time, and the landowners, Jim and Cindy Kittredge, would like to maintain it as a ranch property. The habitat is great for white-tailed deer, waterfowl, sharp-tailed grouse, Hungarian partridge, pheasants, and numerous species of non-game wildlife. Mule deer and antelope are becoming more abundant as well.

FWP has worked with the Kittredges to obtain an easement for public access and to enhance the wetlands on the river corridor. The Conservation Fund, Montana Land Reliance, Farm and Ranch Protection Program, Wetland Reserve Program, and PPL Montana have also been involved as available options for funding the potential conservation easement. An easement has yet to be finalized.

*Action: Doherty moved and Mulligan seconded the motion that FWP continue negotiations with the Kittredge family in seeking acquisition of a conservation easement on the Bird Creek Ranch. Motion carried.*

**14. Public Opportunity to Address Issues Not Discussed at this Meeting.** Constance Horder and John Lyndes appeared before the Commission to express interest in purchasing the Canyon Creek WMA land that FWP is proposing to sell. They own property that borders the Canyon Creek WMA, and wanted to inform FWP that they would do a good job managing the property with help.

Horder asked if a sale was in process. Erickson replied that the Department is looking at various options for disposal of the land. Possibilities include handling it as a surplus property or as a land exchange. Erickson said when the appraisal is conducted, the value of an easement will be included in the figures. Horder asked if FWP lands are ever sold publicly or through bidding processes. Hagener said FWP has not sold land during his tenure with FWP, so the Department will need to research how best to dispose of the land. He added that Land Board approval is required if the sale meets certain criteria. Kurt Alt, FWP Region 3 Wildlife Manager, said the Region has used different processes, such as an RFP with specifications, when they have disposed of land in the Upper Gallatin. Hagener said that any land disposal requires Commission approval. No time has yet been decided when the Canyon Creek land disposal will come before the Commission.

*Action: Mulligan moved and Workman seconded the motion to adjourn. Motion carried.*

Meeting adjourned at 11:19 a.m.